

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.**

**R307-110. General Requirements: State Implementation Plan.**

**R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on ~~September 9, 1998~~ December 6, 2006, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY:** air pollution, PM10, PM2.5, ozone

**Date of Enactment or Last Substantive Amendment:** ~~June 16, 2006~~

**Notice of Continuation:** June 16, 2006

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(3)(e)

**Environmental Quality, Air Quality  
R307-320**

**Davis, Salt Lake and Utah Counties,  
and Ogden City: Employer-Based Trip  
Reduction Program**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29002

FILED: 09/07/2006, 16:05

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify Rule R307-320 by adding language to align the rule with the new ozone maintenance plan and making other grammatical corrections throughout Rule R307-320 to improve the readability of the rule. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-325, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.) In addition, language that would trigger Rule R307-320 as a contingency measure for the PM10 State Implementation Plan (SIP) was removed because the Trip Reduction Program is no longer listed as a contingency measure in the PM10 Maintenance Plan. (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** References to Salt Lake and Davis Counties were replaced by the term "ozone maintenance area". Other grammatical corrections were made throughout Rule R307-320 to improve the readability of the rule. This amendment is part of revisions to rules related to the ozone maintenance plan (see DAR NOTE above). In addition, language that would trigger Rule R307-320 as a contingency measure for the PM10 SIP was removed because the Trip Reduction Program is no longer listed as a contingency measure in the PM10 Maintenance Plan.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(h)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

**ENVIRONMENTAL QUALITY**

**AIR QUALITY**

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Mat E. Carlile or Jan Miller at the above address, by phone at 801-536-4136 or 801-536-4042, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov or janmiller@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2006**

**INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/17/2006 at 2:00 PM, DEQ Building, 168 N 1950 W, Salt Lake City, UT.**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/07/2006**

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.****R307-320. ~~[Davis, Salt Lake and Utah Counties,] Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.~~****R307-320-1. Purpose.**

The purpose of this program is to reduce the number of measurable vehicle miles driven by employees commuting to and from work by requiring employers with work sites within ~~[Davis and Salt Lake Counties] ozone maintenance areas~~ to implement strategies designed to reduce the employee drive-alone rate. ~~[Under the authority of 19-2-104(1)(h) and (2), a]~~ An employer-based trip reduction program is authorized under 19-2-104(1)(h) and (2). It is a state implementation plan control strategy to reduce ambient ~~[measures of air pollution] ozone and is a potential contingency measure for carbon monoxide.~~ An added benefit of the program is reducing the number of cars on increasingly congested roadways.

**R307-320-2. Applicability.**

(1) R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Davis or Salt Lake County.

~~(2) [If the Contingency Requirements for fine particulate are triggered as outlined in Section IX.A.8.b of the State Implementation Plan, R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Utah County.]~~

~~(3) If the [C]ontingency [R]equirements for carbon monoxide are triggered as outlined in Section IX.C.8.[h]f of the State Implementation Plan, R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Ogden City.~~

**R307-320-3. Definitions.**

The following additional definitions apply to R307-320:

"Compressed Work Week" means any work schedule ~~[which] that~~ eliminates at least one commute trip to a work site in each two week period.

"Drive-alone Rate" means the number of single-occupancy vehicles divided by the sum of single-occupancy vehicles, plus employees using mass transit, ridesharing, biking, walking, telecommuting or having credit for a compressed work week. The drive-alone rate calculation must be based on a typical Monday through Friday work week.

Drive-alone Rate = single-occupancy vehicles / (single-occupancy vehicles + mass transit users + rideshare participants + bikers + walkers + telecommuters + credit for compressed work week).

"Employee" means any person including persons employed by public universities or school districts, who works at or reports to a single work site at least three days per week for at least six months of the year.

"Employee Transportation Coordinator" means a person assigned the responsibility of developing, implementing, monitoring, tracking, and marketing the trip reduction plan for the employer.

"Employer" means federal, state, or local entity, or any other public department, district (including public universities or public school districts), or agency.

"Peak Travel Period" means the period beginning at 6 a.m. and ending at 10 a.m., Mondays through Fridays.

"Ridesharing" means transportation of more than one person for commute purposes in a vehicle.

"Single-occupancy Vehicles" means vehicles traveling to the work site with a driver and no passengers during the peak travel period.

"Target Drive-alone Rate" means a twenty percent reduction in the drive alone rate based on the 1990 census data for modes of travel in each county. The target drive-alone rate schedule is as follows:

TABLE  
TARGET DRIVE-ALONE RATE SCHEDULE

	Davis County Drive-Alone Rate	Salt Lake County Drive-Alone Rate
From 1990 Census Data	0.76	0.77
1st year interim target drive-alone rate	0.72	0.73
2nd year interim target drive-alone rate	0.68	0.69
3rd year interim target drive-alone rate	0.67	0.67
4th year interim target drive-alone rate	0.65	0.65
5th year interim target drive-alone rate	0.63	0.64
6th year interim target drive-alone rate	0.61	0.62
Target drive-alone rate	0.61	0.62

"Telecommuting" means working at home or at a satellite work site, provided the employee does not use a single-occupancy vehicle to travel to the satellite work site.

"Trip Reduction Plan" means a set of strategies designed to reduce the drive-alone rate.

"Vehicle" means motorcycles and on-road vehicles powered by a gasoline or diesel internal combustion engine with nine or less seating positions for adults.

"Work Site" means a building and any group of buildings ~~[which] that~~ are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.

**R307-320-4. Employer Requirements.**

(1) Each employer shall assign an employee trip reduction coordinator within 30 days after the effective date of R307-320.

(2) Each employer shall determine the drive-alone rate per work site on an annual basis for a typical Monday through Friday work week during the peak travel period. The drive-alone rate can be determined by one of the following methods in (a), (b) or (c) below.

(a) Information from an annual employee survey.

(i) The employer must use a standardized survey approved by the executive secretary. The survey shall ask the travel distance from the employee's home to the work site, what frequency and mode of transportation the employee used to get to work, and how often the employee participates in a telecommuting program or compressed work week schedule.

(ii) The employer shall administer the survey and shall capture, at a minimum, 75% of the employee population arriving at the work site during the peak travel period.

(b) Verifiable information, less than one year old of the submittal due date, from employer records including:

- (i) employee work schedules;
  - (ii) employee participation in telecommuting schedules;
  - (iii) employee participation of mass transit;
  - (iv) employee participation in rideshare arrangements; and
  - (v) employee participation in non-vehicular transit.
- (c) Another method of the employer's choosing, with written approval from the executive secretary.

(3) Each employer shall design and submit to the executive secretary an approvable trip reduction plan for each work site to meet the target drive-alone rate as specified by the target drive-alone rate schedule in R307-320-3.

(a) An employer may combine more than one work site in a trip reduction plan submittal.

(i) The target drive-alone rate for a multi-work site submission shall be a weighted average of the drive-alone rates for the individual work sites.

(ii) The employer may combine a trip reduction plan for any work site within the same county.

(b) The trip reduction plan submittal shall adhere to the following schedule:

(i) Submittal of a trip reduction plan shall be annually on or before the anniversary of the initial due date.

(ii) For employers within Salt Lake and Davis Counties:

(A) The trip reduction plan must be submitted for approval within 90 days after the employer has been notified.

(B) If the employer has not been notified, then the trip reduction plan must be submitted no later than 360 days after the effective date of this rule.

~~[(iii) For employers within Utah County, the trip reduction plan must be submitted within 90 days after notification by the Division of Air Quality following triggering of contingency measures for PM10 under the provisions of Section IX.A.8.b of the State Implementation Plan.]~~

(c) Materials and information submitted to the executive secretary shall include:

(i) A letter of commitment to fully implement an approved trip reduction plan signed by an authorized employee at the work site.

(ii) The name and signature of the employee transportation coordinator;

(iii) The drive-alone rate for the work site;

(iv) General work site information including name and address of organization; general layout of buildings and parking areas; location of major streets; location of nearby mass transit stops; number of total employees; number of employees arriving at the work site during peak travel periods; current and planned incentives, disincentives, and facilities available encouraging alternatives to single-occupant vehicle commuting; the type of activities conducted at the work site; and the time spent by the employee transportation coordinator in complying with the plan.

(d) A trip reduction plan designed to meet the target drive-alone rate schedule may include but is not limited to employer involvement in the following:

- (i) Subsidized bus passes;
- (ii) Rideshare matching programs;
- (iii) Vanpool leasing programs;
- (iv) Telecommuting programs;
- (v) Compressed work week schedule programs and flexible work schedule programs;
- (vi) Work site parking fee programs;

(vii) Preferential parking for rideshare participants;

(viii) Transportation for business related activities;

(ix) A guaranteed ride home program;

(x) On-site facility improvements;

(xi) Soliciting feedback from employees;

(xii) On-site daycare facilities;

(xiii) Coordination with local transit authorities for improved

mass transit service and information on mass transit programs; and

(xiv) Recognition and rewards for employee participation.

(e) An approvable plan shall contain all the information required in R307-320-4. The executive secretary shall approve or request revision of the trip reduction plan within 60 days of the plan submittal.

(4) Each employer shall implement a trip reduction plan approved by the executive secretary.

(5) Each employer shall inform employees of the trip reduction plan and options available to them for participation.

#### **R307-320-7. Exemptions.**

(1) An employer with less than 100 employees at a work site is exempt from the requirements of this rule.

(2) An employer who has met the target drive-alone rate is exempt from requirements stated in R307-320-4(3) and (4). The employer must still submit the drive-alone rate information to the executive secretary annually.

(3) Employees using vehicles for commute purposes as part of their job responsibility for emergency response are exempt from the drive-alone rate determination if they do not have the option, because of employer policies, to participate in telecommuting programs, compressed work week schedules, or as a rideshare driver, as approved by the executive secretary.

(a) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.

(b) The executive secretary shall approve or deny a request for exemption within 90 days of application.

(4) Other exemptions may be granted on a case by case basis and must be approved by the executive secretary.

(a) The employer seeking exemption must be able to demonstrate that the trip reduction program causes an adverse impact on the employer's ability to provide services or creates an undue hardship[s].

(b) The employer may also seek an exemption by providing an alternative to the Trip Reduction Program that shows, at a minimum, for the work site seeking exemption, a reduction in oxides of nitrogen equivalent to that achieved by the Trip Reduction Program when implemented to the target drive-alone rate schedule in the table in R307-320-3. The employer shall provide all substantiating information and calculations.

(c) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.

(d) The executive secretary shall approve or deny a request for exemption within 90 days of application.

**KEY: air pollution, motor vehicles, trip reduction[4]**

**Date of Enactment or Last Substantive Amendment: [September 15, 1998]2006**

**Notice of Continuation: July 7, 2005**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(h)**

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